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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS**

JIM NORTHRUP,)
)
Plaintiff,) PLAINTIFF JIM NORTHRUP'S
) COMPLAINT AND DEMAND FOR
- vs -) JURY TRIAL
)
GC SERVICES, LP,)
)
Defendant.)

COMPLAINT

NOW COMES Plaintiff, JIM NORTHRUP ("Plaintiff"), through his attorneys, hereby alleges the following against Defendant, GC SERVICES, LP ("Defendant"):

Nature of the Action

1. This action is brought by Plaintiff pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA").

Parties

2. Plaintiff is a natural person residing, in the city of Sandy, County of Salt Lake, Utah and is otherwise *sui juris*.
3. Plaintiff is allegedly obligated to pay a debt and is a consumer as defined by 15 U.S.C. § 1692a(3).
4. Defendant is a Limited Partnership conducting business in the state of Utah, and has its principal place of business in Houston, TX.
5. Defendant is a debt collector as defined by 15 U.S.C. § 1692a(6), and sought to collect a consumer debt from Plaintiff.
6. Defendant acted though its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives and insurers.

Jurisdiction and Venue

- 1 7. Defendant maintains its principal place of business in Texas and therefore personal
- 2 jurisdiction is established.
- 3
- 4 8. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such
- 5 actions may be brought and heard before “any appropriate United States district court
- 6 without regard to the amount in controversy.”
- 7
- 8 9. Venue is proper in the United States District Court Southern District of Texas pursuant
- 9 to 28 U.S.C § 1391(b) because Defendant resides within this District and a substantial
- 10 part of the events or omissions giving rise to the herein claims occurred.

Factual Allegations

- 11 10. On or around October 3, 2019, Defendant placed a collection call to Plaintiff seeking
- 12 and demanding payment for an alleged consumer debt.
- 13
- 14 11. Plaintiff’s alleged debt arises from transactions for personal, family, and household
- 15 purposes.
- 16
- 17 12. Defendant called Plaintiff’s telephone number at (801) XXX-8235.
- 18
- 19 13. On or around May 30, 2019, Defendant left a voicemail message on Plaintiff’s
- 20 answering machine.
- 21
- 22 14. In the voicemail message, Defendant failed to meaningfully disclose the company's
- 23 name or the nature of the call or state that the call was from a debt collector.
- 24
- 25 15. In the voicemail message, Defendant directed Plaintiff to call back telephone number
- (800) 926-3136, which is a number that belongs to Defendant.
16. In the voicemail message, Defendant failed to disclose the purpose of its call was to
- collect a debt allegedly owed by Plaintiff.

1 17. Defendant is engaging in conduct the natural consequence of which is to harass, oppress,
2 and abuse Plaintiff in connection with attempting to collect on a debt by failing to
3 meaningfully disclose its identity in phone calls.

4 18. Defendant is also using false, deceptive and misleading means in connection with
5 attempting to collect a debt by not identifying the purpose of its phone calls or that they
6 are an attempt to collect a debt.

7 **FIRST CAUSE OF ACTION**

8 **DEFENDANT VIOLATED THE FDCPA 15 U.S.C. § 1692 et seq.**

9 19. Plaintiff repeats and incorporates by reference into this cause of action the allegations set
10 forth above at Paragraphs 1-18.

11 20. Defendant's violations of the FDCPA include, but are not limited to, the following:

- 12 a. Defendant violated §1692(d) of the FDCPA by engaging in conduct of which the
13 natural result is the abuse and harassment of the Plaintiff;
14 b. Defendant violated §1692(d)(6) of the FDCPA by placing a telephone call without
15 disclosing its identity;
16 c. Defendant violated §1692(e) of the FDCPA by any other false, deceptive, or
17 misleading representation or means in connection with the debt collection; and
18 d. Defendant violated §1692(e)(11) of the FDCPA by failing to contain the
19 warning: This is an attempt to collect a debt... communication is from a debt
20 collector.
21

22 **PRAYER FOR RELIEF**

23 **WHEREFORE**, Plaintiff prays that judgment be entered against Defendant for the
24 following:
25

FIRST CAUSE OF ACTION

21. Statutory damages of \$1000.00 pursuant to 15 U.S.C. § 1692k;
22. Reasonable attorneys' fees, costs pursuant to 15 U.S.C. § 1692k; and
23. Awarding such other and further relief as may be just, proper and equitable.

JURY TRIAL DEMAND

24. Plaintiff demands a jury trial on all issues so triable.

RESPECTFULLY SUBMITTED,

Dated: January 9, 2020

By: /s/ Peter Cozmyk
Peter Cozmyk
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